

## **REMARKS**

Claims 1-30 are pending in the present application. In the above amendments, claims 1, 3-4, 7, 13, 15-16, 19, 25, and 27-28 have been amended. No claims have been cancelled. One (1) new claim 31 has been added. Therefore, after entry of the above amendments, claims 1-31 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

### **I. PETITION TO REVIVE**

The application was unintentionally abandoned on September 24, 2007 for failure to timely respond to the Office Action dated February 23, 2007. The failure to timely respond between February 23, 2007 and October 19, 2007 was not intentional. Applicants respectfully submit a petition to revive the application according to 37 CFR 1.137 (b), and have submitted the appropriate fee in compliance with §1.17 (m) accordingly.

### **II. SPECIFICATION OBJECTION**

The Office Action states that the title is considered to be non-descriptive. Applicants request a section amendment. The section being a title section defined under 37 CFR 1.77(b). In which, Applicants request that the Examiner amend the title to “A METHOD AND APPARATUS FOR CHANNEL SCHEDULING WITH USE OF CODES” which more clearly indicates the invention to which the claims are directed.

### **III. CLAIM REJECTIONS UNDER 35 USC § 112**

Claims 4, 16, and 28 are rejected as being indefinite and for failing to point out and distinctly claim the subject matter. Specifically, the Office Action states that the term “physically coupled transceivers” is vague and indefinite. Applicants have amended claims 4, 16, and 28 to more clearly claim the subject matter. Thus, Applicants respectfully request the withdrawal of the rejection on claims 4, 16, and 28 under 35 USC § 112.

#### IV. REJECTION UNDER 35 U.S.C. §102

Claims 1, 3-8, 10-13, 15-20, 22-25, and 27-30 are rejected under 35 U.S.C. 102(b) as being unpatentable over Gopalakrishnan et al, U.S. Patent Publication No. US 2002/0183064 (hereinafter “’064”). Applicants have amended the claims in order to more clearly claim the subject matter and overcome the rejection.

Claim 1 now recites in part as follows:

“allocating a common Walsh code to a group of transceivers, the group of transceivers being grouped together based upon a mutual data rate” (Claim 1).

’064 describes “the initial Walsh spreading is done to enable the BS to differentiate between the **categories of data**, and the subsequent long code spreading is done to differentiate between users” (emphasis added) [0010]. ’064 further describes the “categories of data” as “the first Walsh code may be designated for signaling, the second for protocol information, and the third and fourth for voice and data services” [0010]. Therefore, ’064 does not describe “the group of transceivers being grouped together based upon a mutual data rate” as Claim 1 now recites.

Thus, ’064 does not teach or disclose all of the limitations of the present application. Therefore, Claim 1 is patentable. Amended claims 7, 13, 19, and 25 contain similar limitations as to Claim 1, and for at least the same reasons as stated for Claim 1, claims 7, 13, 19, and 25 are patentable.

Claims 3-6, 8, 10-12, 15-18, 20, 22-24, and 27-30 depend from patentable independent claims, and for at least the same reasons as stated for the independent claims, claims 3-6, 8, 10-12, 15-18, 20, 22-24, and 27-30 are patentable based on their dependency to patentable claims and other novel features contained therein.

Therefore, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102.

#### V. REJECTION UNDER 35 U.S.C. §103

Claims 2, 9, 14, 21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gopalakrishnan et al, U.S. Patent Publication No. US 2002/0183064 (hereinafter “’064”) and in further view of Gopalakrishnan et al. U.S. Patent No.

7,009,949 (hereinafter “’949”). Applicants have amended the claims in order to more clearly claim the subject matter and overcome the rejection.

As stated above with respect to Claim 1, ’064 does not teach or disclose all of the limitations of the present application.

Moreover, ’949 does not teach or disclose all of the limitations of the present application. ’949 does not describe “allocating a common Walsh code to a group of transceivers, the group of transceivers being grouped together based upon a mutual data rate; allocating a respective, different long code to each transceiver in the group, the long code being specific to the transceiver in the group and enabling only the specific transceiver in the group to decode the data that was intended for said specific transceiver; and time-multiplexing transmission of the data to the transceivers in the group by applying the common Walsh code and the respective long code of each transceiver to data packets directed to the transceivers so as to form multiplexed data packets, and transmitting the multiplexed data packets in sequence over the network to the group of transceivers” as Claim 1 now recites.

Therefore, neither ’064 nor ’949 teach or disclose all of the limitations of the present application. Therefore, Claim 1 is patentable. Amended claims 7, 13, 19, and 25 contain similar limitations as to Claim 1, and for at least the same reasons as stated for Claim 1, claims 7, 13, 19, and 25 are patentable.

Claims 2, 9, 14, 21, and 26 depend from patentable independent claims, and for at least the same reasons as stated for the independent claims, claims 2, 9, 14, 21, and 26 are patentable based on their dependency to patentable claims and other novel features contained therein.

Therefore, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103.

**CONCLUSION**

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: October 26, 2007

By: /Donald C. Kordich/

Donald C. Kordich  
Reg. No. 38,213  
Telephone: (858) 658-5928

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714